

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-11522-NMG

REYNARD A. GROSSI,)
)
)
Petitioner,)
)
)
v.)
)
)
DAVID NOLAN,)
)
)
Respondent.)
)

RESPONDENT DAVID NOLAN'S MOTION FOR ENLARGEMENT OF TIME WITHIN WHICH TO RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS

Respondent David Nolan hereby respectfully moves this Court to enlarge until September 9, 2005 the time within which he must answer or otherwise respond to Petitioner Reynard A. Grossi's petition for a writ of habeas corpus. In support of this Motion, Respondent states as follows:

1. Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts requires Respondent to answer each allegation of Grossi's petition and state whether he has exhausted his available State-court remedies. The Rule also requires that Respondent indicate what transcripts or parts of State court proceedings are available.
2. Similarly, the Court's Order dated July 20, 2005 "requests the Respondent, as part of the return, to file such documents which reflect on the issue as to whether Petitioner(s) exhausted available state remedies with respect to the matters raised by the Petition."
3. To comply with Rule 5 and the Court's Order, counsel for Respondent has requested records relating to the convictions at issue in Grossi's petition from the Middlesex County District Attorney's Office. After these documents are received, counsel for Respondent

must review these documents in order to prepare an appropriate response to Grossi's petition and file documentation which reflects on the issue as to whether Grossi exhausted available State remedies.

4. Respondent's response is currently due on August 10, 2005.
5. No previous application for an enlargement of time to answer or otherwise respond to Grossi's petition has been made to the Court.
6. Allowance of this Motion will enable counsel for Respondent to aid the Court most thoroughly and effectively and will not prejudice any party.

WHEREFORE, Respondent David Nolan respectfully requests that the Court enlarge the time within which he must answer or otherwise respond to Grossi's petition for a writ of habeas corpus until September 9, 2005.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Scott A. Katz
Scott A. Katz (BBO # 655681)
Assistant Attorney General
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One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200, ext. 2833

Dated: August 8, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that Petitioner is currently incarcerated at a Massachusetts Correctional Institution and is not represented by counsel, rendering pre-filing conference impracticable.

/s/ Scott A. Katz
Scott A. Katz

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon petitioner Reynard A. Grossi, W-58492, M.C.I.-Cedar Junction, P.O. Box 100, South Walpole, MA 02071 by first-class mail, postage prepaid, on August 8, 2005.

/s/ Scott A. Katz
Scott A. Katz